

ASSEMBLY BILL

No. 802

Introduced by Assembly Member Wieckowski

February 21, 2013

An act to amend Section 1281.96 of the Code of Civil Procedure, relating to consumer arbitration.

LEGISLATIVE COUNSEL'S DIGEST

AB 802, as introduced, Wieckowski. Private arbitration companies: disclosures.

Existing law regulates arbitration conducted pursuant to an arbitration agreement, as specified. Existing law requires a private arbitration company involved in consumer arbitration cases to collect and make certain information regarding those cases available to the public in a computer-searchable format, accessible at the Internet Web site of the private arbitration company, if it has an Internet Web site, and on paper upon request.

This bill would require that information, made available to the public in a computer-searchable format on a private arbitration company's Internet Web site, to also be available in a sortable database format.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1281.96 of the Code of Civil Procedure
- 2 is amended to read:
- 3 1281.96. (a) Except as provided in paragraph (2) of subdivision
- 4 (b), ~~any~~ a private arbitration company that administers or is

1 otherwise involved in, a consumer arbitration, shall collect, publish
2 at least quarterly, and make available to the public in a
3 computer-searchable *and sortable database* format, which shall
4 be accessible at the Internet Web site, *if any*, of the private
5 arbitration company, ~~if any~~, *company* and on paper upon request,
6 all of the following information regarding each consumer
7 arbitration within the preceding five years:

8 (1) The name of the nonconsumer party, if the nonconsumer
9 party is a corporation or other business entity.

10 (2) The type of dispute involved, including goods, banking,
11 insurance, health care, employment, and, if it involves employment,
12 the amount of the employee's annual wage divided into the
13 following ranges: less than one hundred thousand dollars
14 (\$100,000), one hundred thousand dollars (\$100,000) to two
15 hundred fifty thousand dollars (\$250,000), inclusive, and over two
16 hundred fifty thousand dollars (\$250,000).

17 (3) Whether the consumer or nonconsumer party was the
18 prevailing party.

19 (4) On how many occasions, if any, the nonconsumer party has
20 previously been a party in an arbitration or mediation administered
21 by the private arbitration company.

22 (5) Whether the consumer party was represented by an attorney.

23 (6) The date the private arbitration company received the
24 demand for arbitration, the date the arbitrator was appointed, and
25 the date of disposition by the arbitrator or private arbitration
26 company.

27 (7) The type of disposition of the dispute, if known, including
28 withdrawal, abandonment, settlement, award after hearing, award
29 without hearing, default, or dismissal without hearing.

30 (8) The amount of the claim, the amount of the award, and any
31 other relief granted, if any.

32 (9) The name of the arbitrator, his or her total fee for the case,
33 and the percentage of the arbitrator's fee allocated to each party.

34 (b) (1) If the information required by subdivision (a) is provided
35 by the private arbitration company in a computer-searchable *and*
36 *sortable database* format at the company's Internet Web site and
37 may be downloaded without ~~any~~ a fee, the company may charge
38 the actual cost of copying to any person who requests the
39 information on paper. If the information required by subdivision
40 (a) is not accessible by the Internet, the company shall provide

1 that information without charge to any person who requests the
2 information on paper.

3 (2) Notwithstanding paragraph (1), a private arbitration company
4 that receives funding pursuant to Chapter 8 (commencing with
5 Section 465) of Division 1 of the Business and Professions ~~Code~~,
6 *Code* and that administers or conducts fewer than 50 consumer
7 arbitrations per year may collect and publish the information
8 required by subdivision (a) semiannually, provide the information
9 only on paper, and charge the actual cost of copying.

10 (c) This section shall apply to any consumer arbitration
11 commenced on or after January 1, 2003.

12 (d) ~~No~~ A private arbitration company shall *not* have any liability
13 for collecting, publishing, or distributing the information required
14 by this section.